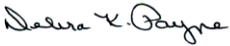
 <p><b>POLICIES AND PROCEDURES</b></p> <p><b>State of Tennessee Department of Intellectual and Developmental Disabilities</b></p>	<b>Policy #: 80.3.5</b>	<b>Page 1 of 2</b>
	<b>Effective Date: June 5, 2015</b>	
	<b>Distribution: B</b>	
<b>Policy Type: Community/Waiver</b>	<b>Supersedes: 80.3.5 (August 3, 2012)</b>	
<b>Approved by:</b>   <b>Debra K. Payne, Commissioner</b>	<b>Last Review or Revision: March 17, 2015</b>	
<b>Subject: CONTINUED STAY FOR CHILDREN ENROLLED IN WAIVER BEFORE AGE 6</b>		

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) Section 4-3-2708, TCA 33-1-302(a), TCA 33-1-303(3), TCA 33-1-305, TCA 33-3-101 and the Medicaid Home and Community Based Services Waiver.
- II. **PURPOSE:** This policy clarifies the continued stay requirement for children who were enrolled in the Statewide Waiver or the Self-Determination Waiver program before age six on the basis of having a condition of substantial developmental delay or specific congenital or acquired condition assessed as having a high probability of resulting in an intellectual disability.
- III. **APPLICABILITY:** This policy applies to any child enrolled in a Medicaid Home and Community Based Services (HCBS) waiver before age six years on the basis of having a condition of substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in intellectual disabilities.
- IV. **DEFINITIONS:**
  - A. **Home and Community Based Services (HCBS) Waiver or Waiver** shall mean a waiver approved for Tennessee by the Centers for Medicare and Medicaid Services to provide services to a specified number of Medicaid eligible individuals who have an intellectual disability and who meet Medicaid criteria for reimbursement in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID). The HCBS waivers for individuals with intellectual disabilities in Tennessee are operated by the DIDD with oversight from TennCare, the state Medicaid agency.
- V. **POLICY:** The Statewide Waiver and the Self-Determination Waiver permit enrollment of children age five (5) years or less who have a condition of substantial developmental delay or specific congenital or acquired conditions assessed as having a high probability of resulting in intellectual disabilities, when the children also meet other waiver eligibility requirements. This policy describes the requirements and re-evaluation process for continued waiver enrollment of children who initially enrolled in an HCBS waiver before the age of six. This process ensures that all children who enroll in the waivers before age six remain eligible for ongoing services. To remain enrolled in an HCBS waiver upon reaching six years of age, the

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child must have had a psychological evaluation prior to reaching six years of age that documents an intellectual disability, i.e., intelligence quotient (IQ) test score of 70 or below.

**VI. PROCEDURES:**

- A. The DIDD Regional Director or designee shall:
  - 1. Ensure that the child's parents or legal guardian, and independent support coordinator (ISC) or case manager (CM) are issued written notification of the psychological evaluation requirement no less than 9 months prior to the child's sixth birthday.
    - a. The notice shall explain the psychological evaluation is required to establish the child's continued eligibility and failure to obtain the psychological evaluation timely may result in involuntary disenrollment from the waiver.
    - b. The notice shall also state the ISC/CM is available to assist with obtaining the psychological evaluation if needed.
  - 2. Establish and maintain a tracking system for children enrolled in the HCBS waivers prior to reaching age six years.
  - 3. Monitor the tracking system to determine whether each child has had a psychological evaluation prior to reaching age six years and to determine whether the psychological evaluation documents intellectual disabilities with an IQ test score of 70 or below.
- B. The DIDD Regional Director or designee shall send written notification to the Deputy Commissioner of Program Operations and request involuntary disenrollment if it is determined that a child has reached the age of six years and that:
  - 1. The child has had a psychological evaluation but the evaluation did not document an intellectual disability with an IQ test score of 70 or below.
  - 2. The child's parent or guardian has refused to obtain or permit a psychological evaluation.
- C. In accordance with TennCare rules and with TennCare prior approval, the DIDD Office of General Counsel shall send a notice of involuntary disenrollment that:
  - 1. Indicates that the child will be disenrolled from the waiver in 30 days or upon reaching age six years, whichever occurs later.

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2. Includes information about appeal rights.

D. The DIDD Regional Office shall facilitate discharge planning for disenrollment of the child from waiver services and shall provide information about any known alternative services for which the child may qualify.

VII. **CQL STANDARDS:** 1a

VIII. **REVISION HISTORY:** March 17, 2015

IX. **TENNCARE APPROVAL:** March 17, 2015

X. **ATTACHMENTS:** None